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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,610

05/11/2005

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EXAMINER

LEVI, DAMEON E

ART UNIT

PAPER NUMBER

2841

MAIL DATE

DELIVERY MODE

02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,610

Applicant(s)

MUELLER ET AL.

Examiner

DAMEON E. LEVI

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/17/2007(Response).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 19-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Porter
US Patent 5808866.**

Regarding claim 19, Porter discloses an assembly comprising:

plug-in measuring-device modules (elements 31, Figs 1A-5), which are connected via a plug-and-socket panel (elements 24, Figs 1A-5) to an information-output device (Fig 5) at a front side of the measuring device , wherein the measuring-device modules (elements 31, Figs 1A-5) can be plugged in from a rear side facing away from the information-output device, characterized in that a recess (Figs 1A-5) is provided in the front side of the measuring device , through which an electrical connection (elements 32, Figs 1A-5), at least for a part of the plugged-in measuring-device modules is accessible.

Regarding claim 20, Porter discloses characterized in that at least a part of the measuring-device module provides electrical contacts (elements 30, Figs 1A-5), which are accessible from the rear side of the measuring device.

Regarding claim 21, Porter discloses characterized in that for each measuring-device module to be accommodated, at least one guide component (elements 29, Figs 1A-5)for

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the guidance of the measuring-device modules is provided, wherein the at least one guide component provides a resilient, deformable guide element for the resilient mounting of the measuring-device module. Regarding claim 22, Porter discloses characterized in that the guide components (elements 29, Figs 1A-5) for adjacent measuring-device modules are spaced at a distance such that a cooling-air gap is formed between adjacent measuring-device modules.

Regarding claim 23, Porter discloses characterized in that the resilient, deformable guide elements are formed by resilient tongues (14) arranged in a row (elements 29, Figs 1A-5).

Regarding claim 24, Porter discloses characterized in that the plug-and-socket panel (elements 24, Figs 1A-5) is mounted in such a manner that it can be displaced within a receiving device (elements 11, Figs 1A-5) in at least one plane perpendicular to the direction of insertion of the measuring-device modules.

Regarding claim 25, Porter discloses characterized in that, in order to retain the measuring-device modules, a rear cover (elements 39, Figs 1A-5) is provided for the measuring-device housing, which cover has at least one recess (elements 41, Figs 1A-5), through which connections of the measuring-device modules orientated towards the rear of the housing are accessible.

Regarding claim 26, Porter discloses characterized in that insertion elements (elements 34, Figs 1A-5) can be inserted into the cover of the measuring device housing in order to cover the cooling-air gaps between the measuring-device modules and/or blank elements.

Regarding claim 27, Porter discloses characterized in that each measuring-device module (elements 31, Figs 1A-5) is formed as a functional unit, and that data can be transferred via a bus system either between various measuring-device modules or to the information-output device.

Regarding claim 28, Porter discloses characterized in that the information-output device is designed as an input/output device(Fig 5).

Regarding claim 29, Porter discloses characterized in that at least one measuring-device module (elements 31, Figs 1A-5) is designed as a computer module for controlling data transfer via the bus system.

Regarding claim 30, Porter discloses characterized in that a plug-in power pack (elements 35, Figs 1A-5) is provided, which is also connected to the plug-and-socket panel (elements 24, Figs 1A-5) via an electrical plug-connection, wherein the power supply to the measuring-device modules is provided via the bus system.

Response to Arguments

Applicant's arguments filed 07/17/2007 have been fully considered but they are not persuasive. Applicant's argue, at page 2, that in the prior art of record an information output device is not fixed or not a fixed part of the measuring device. In response, the office contends that the claim , given it broadest reasonable interpretation, does not recite that the information output device is fixed or a fixed part of the measuring device. The claim recites merely that the measuring device modules are connected via a plug and socket panel to an information output device at a front side of the measuring

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device. It is the position of the Office that, this recitation is construed by the Office to mean that the measuring device can be connected to the information output device by way of the plug and socket panel without the information input output device actually fixed onto the measuring device module. Figure 5 of the prior art of record clearly shows how this can be done.

Applicants also argue that the prior art of record does not provide a resilient, deformable guide element. In response, the Office contends that it is inherent that the card guides of the prior art are considered to be resilient and deformable since the prior art arrangement relates to compensating for shock and vibration and card guides possessing such properties are inherently employed.

Applicants also argue that the prior art of record does not teach a resilient mounting of the plug and socket panel relative to the receiving device as response to a shock and allowing some displacement. In response, the Office contends that it is inherent that the panel of the prior art is considered to be resilient and deformable since the prior art arrangement relates to compensating for shock and vibration and such properties are inherently employed. It is the position of the Office that recitations with respect to the manner in which an element is intended to be employed (e.g. "can be plugged" "can be displaced" "data can be transferred") cannot be construed as differentiating the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations.

The prior art is still deemed as teaching or suggesting the elements of the claimed invention, given its broadest reasonable interpretation.

This rejection is maintained by the Office.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMEON E. LEVI whose telephone number is (571)272-2105. The examiner can normally be reached on Mon.-Thurs. (9:00 - 5:00) IFP, Fridays Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dameon E Levi
Examiner
Art Unit 2841

DEL



Diego Gutierrez
Solely Patent Examiner
Technology Center 2841